

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PAUL PACHECO,	:	
	:	
Petitioner,	:	
	:	14-CV-2286 (JPO)
-v-	:	
	:	<u>OPINION AND ORDER</u>
PAUL GONYEA, Superintendent,	:	
	:	
Respondent.	:	
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J. PAUL OETKEN, District Judge:

On March 7, 2014, Petitioner Paul Pacheco, proceeding *pro se*, filed this petition for a writ of habeas corpus under 28 U.S.C. § 2254. On November 5, 2015, Magistrate Judge Michael H. Dolinger issued a Report and Recommendation that the Court deny the petition. (Dkt. No. 23.) Pacheco has not filed any objections within the allotted time, despite notice that failure to object “may constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals.” *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72.

A district court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “Where a party does not object . . . courts review reports for clear error.” *Martinez v. Huffard*, No. 13-CV-1854, 2015 WL 1821642, at *1 (S.D.N.Y. Apr. 21, 2015) (citing *Batista v. Walker*, No. 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.)); *see Macolor v. Libiran*, No. 14-CV-4555, 2016 WL 1453039, at *1 (S.D.N.Y. Apr. 13, 2016); *see also Kashelkar v. Village of Spring Valley*, 320 F. App'x 53, 53 (2d Cir. 2009).

The Court has reviewed the record and the Report and Recommendation for clear error. For substantially the reasons set forth in the thorough and well-reasoned opinion by Judge

Dolinger, the Report is ADOPTED and the petition is DENIED. Because Pacheco has failed to make a substantial showing that he was denied a constitutional right, a certificate of appealability shall not issue. 28 U.S.C. § 2253(c). The Clerk of Court is directed to terminate the case.

SO ORDERED.

Dated: May 23, 2016
New York, New York



J. PAUL OETKEN
United States District Judge

A COPY OF THIS ORDER HAS BEEN MAILED TO THE PRO SE PETITIONER